

1 John F. Triggs (TN BPR No. 026718)
2 *jft@iplawgroup.com*
2 WADDEY & PATTERSON, P.C.
3 1600 Division Street, Suite 500
3 Nashville, Tennessee 37203
4 Telephone: (615) 242-2400
4 Facsimile: (615) 242-2221

5 Attorneys for Plaintiff
WIRTGEN AMERICA, INC.

6
7 UNITED STATES DISTRICT COURT
8 MIDDLE DISTRICT OF TENNESSEE
9

10 WIRTGEN AMERICA, INC.,
11 Plaintiff,
11 vs.
12 ROADTEC, INC.,
13 Defendant.

No. 3:11-0729
Judge Trauger
Magistrate Judge Bryant

**~~PROPOSED~~ STIPULATED
FINAL JUDGMENT**

15 Having reviewed the parties' Stipulated Final Judgment, being fully informed in
16 the premises and for good cause shown, the Court makes the following findings and
17 orders:
18

- 19 1. Plaintiff Wirtgen America, Inc. ("Wirtgen") is a Tennessee corporation
20 having a principal place of business at 6030 Dana Way, Antioch, Tennessee 37103.
- 21 2. Defendant Roadtec, Inc. ("Roadtec") is a Tennessee corporation having a
22 principal place of business at 800 Manufacturers Road, Chattanooga, Tennessee 37405.
- 23 3. This Court has personal jurisdiction over Roadtec.
- 24 4. This Court has subject matter jurisdiction over the claims asserted in
25 Wirtgen's Complaint pursuant to 28 U.S.C. §§1331 and 1338.
- 26 5. Venue is proper in this district pursuant to 28 U.S.C. §§ 1400(b) and 1391.
- 27 6. Wirtgen is the exclusive licensee of U.S. Patent No. 7,918,512 to
28 Mannebach et al. for "Automotive Machine For Producing Carriageways", issued April

1 5, 2011 (the Patent-In-Suit), and Wirtgen has the exclusive right to enforce the Patent-
2 In-Suit.

3 7. Roadtec has offered for sale in the United States subsequent to April 5,
4 2011 soil stabilizer machines designated as its model SX-5 and SX-7 machines.

5 8. Roadtec's acts of offering its SX-5 and SX-7 soil stabilizer machines for
6 sale in the United States constitute acts of direct infringement of the claims of the
7 Patent-In-Suit.

8 9. Claims 1-27 of the Patent-In-Suit are not invalid.

9 10. Claims 1-27 of the Patent-In-Suit are enforceable.

10 11. The entry of this judgment fully and finally resolves, for purposes of *res*
11 *judicata* and collateral estoppel, any and all issues of validity, infringement, and
12 enforceability of the Patent-In-Suit *vis-à-vis* Roadtec's SX-5 and SX-7 soil stabilizer
13 machines or any colorable imitation thereof.

14 12. The Court hereby enters final judgment in favor of Wirtgen and against
15 Roadtec on the Complaint as specified above.

16 13. The parties have entered into the terms of a Settlement Agreement between
17 the parties and this Settlement Agreement and the judgment are to be construed
18 together.

19 14. All parties shall bear their respective attorneys' fees and costs.

20 15. The Court shall maintain jurisdiction over this action for purposes of
21 enforcement of the Final Judgment and the Settlement Agreement between the parties.
22
23
24
25
26
27
28

Respectfully submitted and STIPULATED TO this the 1st day of February, 2012, by:

John F. Triggs
(IN BPR No. 026718)
WADDEY & PATTERSON, P.C.
1600 Division Street, Suite 500
Nashville, Tennessee 37203
(615) 242-2400
(615) 242-2221 facsimile

Attorneys for Wirtgen America, Inc.

Richard W. Bethea (TN BPR 006352)
John G. Jackson (TN BPR 013840)
CHAMBLISS, BAHNER & STOPHEL, P.C.
1000 Tallan Building, Two Union Square
Chattanooga, TN 37402
(423) 756-3000
(423) 265-9574 (Facsimile)

Attorneys for Roadtec, Inc.

IT IS SO ORDERED this 2nd day of February , 2012.

BY THE COURT

**HON. ALETA A. TRAUGER
UNITED STATES DISTRICT JUDGE**